

## REMARKS

Claim 22 and newly added claims 47 - 51 are pending in this application.

### Claim Rejections Under 35 U.S.C. §103

Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kawanishi et al. (European Publication No. EP1132046) in view of Yoshimina et al. (U.S. Publication No. 2001/0053883).

Amended claim 22 recites the features that (1) the Proportion Age is determined from the correlation between age and the ratio fat mass in the trunk/fat mass in the lower limbs, and the Physical Strength Age is determined by the correlation between age and the ratio weight of upper-half body/volume of muscle in lower limbs, and (2) the physical constitution and physical strength is judged by using at least one of the Proportion Age and the Physical Strength Age. Such features are described in the specification, for example in a description in page 13, line 27 to page 14, line 1 of the original English text which reads "This graph shows distribution of the fat from which it is apparent that there is some correlation between the fat mass in trunk/fat mass in lower limbs and the age," and a description in page 14, line 28 to page 15, line 2 of the original English text which reads "It is apparent in the graph that there is some correlation between the weight of upper-half body/volume of muscle in lower limbs and the age."

Neither Kawanishi nor Yoshimina discloses or suggests the above features.

### Dependent Claims

In view of the patentability of the underlying independent claim over Kawanishi and Yoshimina, as set forth above, it is submitted that the newly added claims depending therefrom are likewise patentable.

## CONCLUSION

It is submitted in view of the above that there is no teaching or suggestion of applicant's invention as claimed in the claims submitted herewith, within the scope of the disclosure of the cited references, without extensive modification and the exercise of inventive talent.

In light of the above amendments and remarks, applicant submits that the application is in condition for allowance, and requests that it be passed to issue. If there are any issues which can be discussed in a telephone interview, the Examiner is requested to contact applicant's attorney at (310) 242-2732.

Respectfully submitted,

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